

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: PASCO, David  
Serial No.: 10/826,559  
Filed: April 16, 2004  
For: Immunostimulatory Agents in Botanicals  
Examiner: Patricia A. LEITH  
Group Art Unit: 1655  
Attorney's Docket No. 11636N/030319  
Customer No. 32885

**RESPONSE OFFICE COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

January 8, 2007 (Monday)

Dear Sir:

This paper is in response to the Communication mailed November 6, 2006, in connection with the above-identified application.

The Communication requested that Applicants "select a species of degradation product in addition to the election of botanical."

Previously, in response to the Election of Species Requirement mailed August 25, 2006, Applicants elected Echinacea as a "botanical species." Applicants further stated that each pending claim, whether on its own or through a base claim, is readable on an *Echinacea* species.

This election was without traverse.

Now, Applicants elect as a degradation product, toluene.

Each of claims 3, 4, 12, 13, and 48, either on its own or through a base claim, is readable on the toluene species.

This election is without traverse.

As previously stated, with respect to the Election of Species requirement, Applicants understand that if no relevant prior art is found with respect to the elected species, the search will be expanded non-elected species. Applicants further understand that if no applicable prior art is discovered, the entire genus will be searched and examined.

From the foregoing, this Application is believed to be in condition for allowance, and such action is earnestly solicited.

If the Examiner has any questions concerning this election or the Application in general, she is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Myers, Jr.", with a stylized flourish at the end.

Richard S. Myers, Jr.  
Registration No. 42,022  
STITES & HARBISON  
Customer No. 32885  
Attorneys for Applicant